

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application;

Claim 1. (Currently Amended) An encoding/transmitting apparatus comprising:

input means for inputting data;

encoding means for encoding the data input by the input means;

storage means for storing encoded data generated by the encoding means;

multiplexing means for multiplexing the encoded data stored in the storage means and transmitting the data multiplexed, data to a predetermined receiving apparatus through a network; and

monitoring means for monitoring a state of the network,

wherein the multiplexing means controls a multiplexing rate thereof in accordance with the state of the network, ~~which detected by~~ the monitoring means ~~has detected~~.

Claim 2. (Currently Amended) The encoding/transmitting apparatus according to claim 1, wherein the encoding means receives transmission information indicating the encoded data transmitted by the multiplexing means, calculates an area

occupied by data in the storage means, based on ~~the basis of~~ the transmission information, stops an encoding process of the encoding means when the area occupied by data in the storage means is larger than a predetermined value, and ~~performs~~ causes the encoding means to perform the encoding process when the area occupied by the data in the storage means is smaller than the predetermined value.

Claim 3. (Currently Amended) The encoding/transmitting apparatus according to claim 1, wherein the data includes audio data, and further comprising audio-data output control means ~~is provided, which that~~ achieves a fading-out of the audio data to be encoded before the encoding means is stopped, and achieves fading-in of the audio data when the encoding means is started again.

Claim 4. (Currently Amended) The encoding/transmitting apparatus according to claim 1, further comprising data-transmission-amount control means for storing and controlling an amount in which the ~~transmitting~~ multiplexing means can transmit data.

Claim 5. (Currently Amended) The encoding/transmitting apparatus according to claim 1, wherein the data includes a plurality of program data items, the encoding means encodes the

program data items, ~~each~~ independently of any each other, the storage means stores the encoded program data items, independently of any each other, and the multiplexing means multiplexes the encoded program data items, generating one output data item.

Claim 6. (Currently Amended) An encoding/transmitting method comprising:

a step of inputting data;

a step of encoding the data input in the step of inputting;

a step of storing, in a storage means unit, encoded data generated in the step of encoding the data; and

a step of multiplexing the encoded data stored in the storage means unit and transmitting the multiplexed data ~~multiplexed~~, to a predetermined receiving apparatus through a network,

wherein, in the step of multiplexing the encoded data, a state of the network is input and a multiplexing rate is controlled in accordance with the state of the network, ~~which~~ that has been input.

Claim 7. (Currently Amended) The encoding/transmitting method according to claim 6, wherein, in the step of encoding the data, transmission information indicating the encoded data

transmitted in the step of multiplexing the encoded data is input, an area occupied by the data in the storage ~~means~~ unit is calculated based on ~~the basis of~~ the transmission information, and an encoding process is stopped when an area occupied by the data in the storage ~~means~~ unit is larger than a predetermined value, and the encoding process is performed when the area occupied by the data in the storage ~~means~~ unit is smaller than the predetermined value.

Claim 8. (Currently Amended) The encoding/transmitting method according to claim 6, wherein the data includes audio data, and an audio-data output control ~~means~~ unit is provided, ~~which that~~ achieves fading-out of the audio data to be encoded before the step of encoding ~~means~~ is stopped, and achieves fading-in of the audio data when the step of encoding ~~means~~ is started again.

Claim 9. (Currently Amended) The encoding/transmitting method according to claim 6, wherein the data includes a plurality of program data items, the program data items are encoded, ~~each~~ independently of ~~any~~ each other, in the step of encoding the data, the encoded program data items are stored in the storage ~~means~~ unit, ~~each~~ independently of ~~any~~ each other, in the step of storing the encoded data, and the program data

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items are multiplexed in the step of multiplexing the encoded data, thereby generating one output data item.